

PTO/SB/08a/b (07-05)

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Substitute for form 1449A/B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Complete If Known	
				Application Number	10/708,721- Cont. #2720
				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3733
				Examiner Name	J. L. Swiger
Sheet	2	of	2	Attorney Docket Number	101896-0240

	AT1*	US-6,929,847-A1	08-16-2005	Cohen	
	AU1*	US-20030130659-A1	05-25-2004	Haider	07/2003
	AV1*	US-20040267277-A1	12-30-2004	Zannis et al.	
	AW1	US-20050085813-A1	04-21-2005	Spittler et al.	
	AX1*	US-20020116008-A1	08-16-2005	Cohen	08/2002
	AY1*	US-6,200,322	03-13-2001	Branch et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document		Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code ²	Number ³ -Kind Code ⁴ (if known)			
	BA	WO	2004/04100	05-21-2004	LANDRY, Michael E.	
	BB	DE	10027988	01-10-2002	KOSMALA, Arkadiusz	
	BC	FR	2729291	01-12-1995	GENNARI Jean Marie	
	BD	EP	1190678	03-27-2002	BONO, Frank Scott	
	BE	FR	2798545	07-22-1999	BACCELLI Christian	
	BF	DE	29810798	05-21-2004	SCHAFER micomed GmbH	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. * CITE NO.: Those application(s) which are marked with an asterisk (*) next to the Cite No. are not supplied (under 37 CFR 1.98(a)(2)(ii)) because that application was filed after June 30, 2003 or is available in the IFW. ¹ Applicant's unique citation designation number (optional). ² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST.16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
	CA	Kevin T. Foley, M.D., CD Horizon SEXTANT Rod Insertion System and Surgical Technique, pp. 1-30, Meditronic Sofamor Danek, Memphis, TN (July 2002).	
	CB	Stephen L. Rittland, M.D., Surgical Technique: Micro-TLIF "A Mini-Open and Intermuscular Transforaminal Lumbar Interbody Fusion," Aperture Spinal Access System, pp. 1-20, DePuy AcroMed, Inc., Raynham, MA (October 2002)	
	CC	The Dilation Retractor System, Bright Medical Instruments, Boca Raton, FL (April 2001)	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JLS/

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Substitute for form 1449/AB/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (Use as many sheets as necessary)				Complete If Known	
				Application Number	10/708,721-Conf. #2726
				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3738
				Examiner Name	J. L. Swiger
Sheet	1	of	1	Attorney Docket Number	101896-240 (MIT269)

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
JL	AA	US-US2005/0131408 A1	06-16-2005	Sicvol, et al.	
	AB	US-2005/0131407 A1	06-16-2005	Sicvol, et al.	06/2005

FOREIGN PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁵
		Country Code ³ -Number ⁴ -Kind Code ⁵ (if known)				

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NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

Examiner Signature		Date Considered	7/25/2006
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Receipt date: 03/25/2008

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**
(Not for submission under 37 CFR 1.99)

Application Number	10708721	10708721 - GAU: 3733
Filing Date	2004-03-19	
First Named Inventor	Paul Birkmeyer	
Art Unit	3733	
Examiner Name	J. L. Swiger	
Attorney Docket Number	101896-0240 (DEP5278)	

	9	20050038434	A1	2005-02-17	Mathews	
	10	20050065517	A1	2005-03-24	Chin	
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	12	20050182410	A1	2005-08-18	Jackson	
	13	US200501340 013/408		2005-06-16	Sicvol, et al.	

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FOREIGN PATENT DOCUMENTS

Examiner Initial*	Cite No	Foreign Document Number ³	Country Code ² i	Kind Code ⁴	Publication Date	Name of Patentee or Applicant of cited Document	Pages, Columns, Lines where Relevant Passages or Relevant Figures Appear	T ⁵
	1	3434807	DE		1985-12-19	Mecron Med Prod Gmbh		<input type="checkbox"/>
	2	0528562	EP		1993-02-24	Smith & Nephew Dyonics		<input type="checkbox"/>
	3	9308745	WO		1993-05-13	Univ Florida		<input type="checkbox"/>
	4	9205742	WO		1992-04-16	Peyrou Pierre Louis et al.		<input type="checkbox"/>

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				Filing Date	March 19, 2004
				First Named Inventor	Paul Birkmeyer
				Art Unit	3733
				Examiner Name	J. L. Swiger
Sheet	1	of	2	Attorney Docket Number	101896-0240

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Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
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	AB*	US-5,954,635	09-21-1999	Kevin T. Foley	
	AC*	US-2004/0143265	07-22-2004	Michael Landry	
	AD*	US-2003/0199885	10-23-2003	Thomas Davison	
	AE*	US-2003/0195550	10-16-2003	Thomas Davison	
	AF*	US-2003/0083689	05-01-2003	Robert Simonson	
	AG*	US-2002/0198526	12-26-2002	Samuel Shaolian	
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	AI*	US-2002/0049368	04-25-2002	Stephen Rittland	
	AJ*	US-6,331,179	12-18-2001	Jim Freid	
	AK*	US-5,847,873	07-15-1997	Joseph P. Errico	
	AL*	US-6,793,656	09-21-2004	HALLETT H. MATHEWS	
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	AA1*	US-6,033,406	03-07-2000	HALLETT H. MATHEWS	
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	AD1*	US-2001/0001119	05-10-2001	Alan Lombardo	
	AE1*	US-2002/0068975	06-06-2002	George Teltelbaum	
	AF1*	US-2002/0123668	09-05-2002	Stephen Rittland	
	AG1*	US-2003/0083688	05-01-2003	Robert Simonson	
	AH1*	US-2003/0195549	10-16-2003	Thomas Davison	
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	AP1*	US-6,250,322	06-26-2001	Porter	
	AQ1*	US-6,299,616	10-09-2001	Beger et al.	
	AR1*	US-4,545,374	10-08-1985	Jacobson	
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Examiner Signature	/James L. Swiger/	Date Considered	01/27/2009
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ALL REFERENCES CONSIDERED EXCEPT WHERE LINED THROUGH. /JLS/